

File No. 173644

Phelan Hallinan Diamond & Jones, PC
400 Fellowship Road
Mt. Laurel, NJ 08054
856-813-5500
FAX Number 856-813-5501
GREEN TREE SERVICING LLC

In Re:

DONNA L. NEWLAND

Debtor

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK VICINAGE

Chapter 13

Case No. 14-18764 - NLW

Hearing Date: 01/26/2015

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, GREEN TREE SERVICING LLC, the holder of a Mortgage on debtor residence located at 88 TERRACE AVE, JERSEY CITY, NJ 07307-4330 hereby objects to the Confirmation of the debtor proposed Chapter 13 Plan on the following grounds:

1. Movant is GREEN TREE SERVICING LLC.
2. Debtor, DONNA L. NEWLAND is the owner of the property located at 88 TERRACE AVE, JERSEY CITY, NJ 07307-4330.
3. Debtor's Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5).
4. Debtor's Plan currently provides for payment to Movant in the amount of \$0.00. A copy of the Debtor's Plan is attached hereto as Exhibit "A" and made a part hereof.
5. Debtor's Plan provides for the Debtor's pursuit of a loan modification. Debtor's Plan is speculative in nature in that the Plan contemplates curing the arrears through a loan modification that has neither been offered nor approved.
6. It should be noted that Movant is in the process of drafting and filing a Proof of Claim. The approximate arrears are \$67,820.66. Debtor's Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5).
7. Movant objects to Debtor's Plan as the Plan needs to fund the arrears owed to Movant during the term of the Plan rather than rely on speculation that is based on the

possibility of a loan modification. Confirmation of the Debtor's proposed Plan should be denied.

WHEREFORE, GREEN TREE SERVICING LLC respectfully requests that the Confirmation of Debtor Plan be denied.

/s/ John Schneider

John Schneider, Esq.

Phelan Hallinan Diamond & Jones, PC

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Dated: January 23, 2015

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-2(c)

173644

Phelan Hallinan Diamond & Jones, PC

400 Fellowship Road, Suite 100

Mt. Laurel, NJ 08054

856-813-5500

Attorneys for GREEN TREE SERVICING LLC

In Re:

DONNA L. NEWLAND

Case No: 14-18764 - NLW

Hearing Date: 01/26/2015

Judge: NOVALYN L. WINFIELD

CERTIFICATION OF SERVICE

1. I, Lichelle Morris:

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC, who represents GREEN TREE SERVICING LLC in the above captioned matter.

☐ am the _____ in the above case and am representing myself.

2. On January 23, 2015, I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: January 23, 2015

/s/ *Lichelle Morris*

Lichelle Morris

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
DONNA L. NEWLAND 88 Terrace Avenue, Jersey City, NJ 07307	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
NICHOLAS FITZGERALD, Esquire 649 NEWARK AVE JERSEY CITY, NJ 07306	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
MARIE-ANN GREENBERG, Trustee 30 TWO BRIDGES ROAD, SUITE 330 FAIRFIELD, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.